

STAYED, TYPE I-FOIA

U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:15-cv-01105-TSC

LEOPOLD v. DEPARTMENT OF DEFENSE
Assigned to: Judge Tanya S. Chutkan
Case: 1:14-cv-00197-TSC
Cause: 05:552 Freedom of Information Act

Date Filed: 07/13/2015
Jury Demand: None
Nature of Suit: 895 Freedom of
Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff**JASON LEOPOLD**

represented by **Jeffrey Louis Light**
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V.

Defendant**DEPARTMENT OF DEFENSE**

represented by **Julia Alexandra Heiman**
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Date Filed	#	Docket Text
07/13/2015	<u>1</u>	COMPLAINT against DEPARTMENT OF DEFENSE (Filing fee \$ 400 receipt number 0090-4173541) filed by JASON LEOPOLD. (Attachments: # <u>1</u> Civil Cover Sheet, # <u>2</u> Summons, # <u>3</u> Summons, # <u>4</u> Summons)(Light, Jeffrey) (Entered: 07/13/2015)
07/13/2015	<u>2</u>	NOTICE OF RELATED CASE by JASON LEOPOLD. Case related to Case No. 1:14-cv-197-TSC. (Light, Jeffrey) (Entered: 07/13/2015)
07/13/2015		Case Assigned to Judge Tanya S. Chutkan. (md) (Entered: 07/14/2015)
07/14/2015	<u>3</u>	SUMMONS (3) Issued Electronically as to DEPARTMENT OF DEFENSE, U.S. Attorney and U.S. Attorney General (Attachments: # <u>1</u> Notice of Consent) (md) (Entered: 07/14/2015)
08/21/2015	<u>4</u>	AMENDED COMPLAINT (<i>First</i>) against DEPARTMENT OF DEFENSE filed by JASON LEOPOLD.(Light, Jeffrey) (Entered: 08/21/2015)
09/02/2015	<u>5</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the United States Attorney. Date of Service Upon United States Attorney on 8/21/2015. (Answer due for ALL FEDERAL DEFENDANTS by 9/20/2015.), RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed on United States Attorney General. Date of Service Upon United States Attorney General 08/21/2015. (Light, Jeffrey) (Entered: 09/02/2015)

10/02/2015	<u>6</u>	NOTICE of Appearance by Julia A. Berman on behalf of DEPARTMENT OF DEFENSE (Berman, Julia) (Entered: 10/02/2015)
10/02/2015	<u>7</u>	Consent MOTION for Extension of Time to File Answer re <u>4</u> Amended Complaint <i>Nunc Pro Tunc</i> by DEPARTMENT OF DEFENSE (Attachments: # <u>1</u> Text of Proposed Order)(Berman, Julia) (Entered: 10/02/2015)
10/06/2015		MINUTE ORDER: Granting <u>7</u> Motion for Extension of Time to Answer. Defendants shall answer or otherwise respond to the complaint not later than October 16, 2015. Signed by Judge Tanya S. Chutkan on 10/6/15. (DJS) (Entered: 10/06/2015)
10/16/2015	<u>8</u>	ANSWER to <u>4</u> Amended Complaint by DEPARTMENT OF DEFENSE. Related document: <u>4</u> Amended Complaint filed by JASON LEOPOLD. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B)(Berman, Julia) (Entered: 10/16/2015)
10/18/2015		MINUTE ORDER: Before the Court in this FOIA case are a complaint and an answer. The requirements of LCvR 16.3 and Rule 26(f) of the Federal Rules of Civil procedure appear to be inapplicable. IT IS HEREBY ORDERED that the parties shall meet and confer and propose a schedule for proceeding in this matter. The schedule shall address the status of Plaintiff's FOIA request, the anticipated number of documents responsive to Plaintiff's FOIA request, the anticipated date(s) for release of the documents requested by Plaintiff, whether a motion for an Open America stay is likely in this case, whether a Vaughn index will be required in this case, whether and when either party anticipates filing a dispositive motion, and any other pertinent issues. The parties shall file a joint status report that addresses these issues and that contains a proposed schedule and order not later than 11/2/15. Signed by Judge Tanya S. Chutkan on 10/18/15. (DJS) (Entered: 10/18/2015)
10/19/2015		Set/Reset Deadlines: Status Report due by 11/2/2015 (zsm) (Entered: 10/19/2015)
11/02/2015	<u>9</u>	Joint STATUS REPORT by JASON LEOPOLD. (Light, Jeffrey) (Entered: 11/02/2015)
11/03/2015		MINUTE ORDER: Having considered the Joint Status Report filed by the parties <u>9</u> , it is hereby ordered that not later than January 6, 2016, the parties shall file a jointly proposed schedule and proposed order for moving forward with this action. Signed by Judge Tanya S. Chutkan on 11/3/15. (DJS) (Entered: 11/03/2015)
11/03/2015		Set/Reset Deadlines: Proposed Briefing Schedule due by 1/6/2016 (zsm) (Entered: 11/03/2015)
01/06/2016	<u>10</u>	Joint STATUS REPORT by DEPARTMENT OF DEFENSE. (Attachments: # <u>1</u> Text of Proposed Order)(Berman, Julia) (Entered: 01/06/2016)
01/07/2016		MINUTE ORDER: Having considered the Joint Status Report filed by the parties <u>10</u> , it is hereby ordered that not later than May 13, 2016, the parties shall file a jointly proposed schedule and proposed order for moving forward with this action. Signed by Judge Tanya S. Chutkan on 1/7/16. (DJS) (Entered: 01/07/2016)
01/07/2016		Set/Reset Deadlines: jointly proposed schedule and proposed order due by 5/13/2016. (tth) (Entered: 01/07/2016)
05/13/2016	<u>11</u>	Joint STATUS REPORT by DEPARTMENT OF DEFENSE. (Attachments: # <u>1</u> Text of Proposed Order)(Berman, Julia) (Entered: 05/13/2016)
05/16/2016		MINUTE ORDER: Having considered the Joint Status Report <u>11</u> filed by the parties, it is hereby ordered that the Defendant shall submit an interim status report on June 30, 2016 apprising the Court and the Plaintiff of the status of its review. Defendant shall complete its responsiveness review by August 31, 2016, and that the parties shall submit a joint status report and PROPOSED ORDER on August 31, 2016, following the completion of that review, proposing a schedule on which the Defendant will process the documents identified as responsive and produce non-exempt, responsive records to Plaintiff. Signed by Judge Tanya S. Chutkan on 5/16/16. (DJS) (Entered: 05/16/2016)
05/17/2016		Set/Reset Deadlines: Status Report due by 6/30/2016. Joint Status Report and Proposed Order due by 8/31/2016. (zsm) (Entered: 05/17/2016)

06/30/2016	<u>12</u>	STATUS REPORT by DEPARTMENT OF DEFENSE. (Berman, Julia) (Entered: 06/30/2016)
08/31/2016	<u>13</u>	Joint STATUS REPORT by DEPARTMENT OF DEFENSE. (Berman, Julia) (Entered: 08/31/2016)
09/03/2016		MINUTE ORDER: Not later than 9/7/16 the parties shall file a jointly proposed ORDER setting forth any agreements they have reached <u>13</u> regarding the proposed schedule for production of documents. Signed by Judge Tanya S. Chutkan on 9/3/16. (DJS) (Entered: 09/03/2016)
09/06/2016	<u>14</u>	Consent MOTION for Extension of Time to File <i>Proposed Order regarding production schedule</i> by JASON LEOPOLD (Attachments: # <u>1</u> Text of Proposed Order)(Light, Jeffrey) (Entered: 09/06/2016)
09/07/2016		MINUTE ORDER: Granting <u>14</u> Motion for Extension of Time to File Proposed Order. By 9/14/16 the parties shall file a jointly proposed ORDER setting forth any agreements they have reached regarding the proposed schedule for production of documents, along with a proposed date for the next Joint Status Report. Signed by Judge Tanya S. Chutkan on 9/7/16. (DJS) (Entered: 09/07/2016)
09/07/2016		Set/Reset Deadlines: Proposed Briefing Schedule due by 9/14/2016 (zsm) (Entered: 09/07/2016)
09/14/2016	<u>15</u>	PROPOSED BRIEFING SCHEULE <i>submitted jointly with Plaintiff</i> by DEPARTMENT OF DEFENSE. (Berman, Julia) (Entered: 09/14/2016)
09/15/2016		MINUTE ORDER: Defendant shall produce non-exempt, responsive records to the Plaintiff on a rolling basis, beginning on September 30, 2016, and continuing monthly. Defendant shall conclude its rolling productions by January 31, 2017, and that, if any records require substantially more time to process because they require processing by multiple offices, the Defendant shall notify the Plaintiff and shall seek additional time to complete that portion of the production if necessary. Defendant shall submit status reports on October 28, 2016 and December 30, 2016. In those reports, Defendant shall include page counts processed and the page counts released to the Plaintiff, as well as the Defendant's assessment, based on information available at that time, as to whether the Defendant anticipates being able to meet the January 31, 2017 deadline. The parties shall file a Joint Status Report (ALONG WITH A PROPOSED ORDER) on FEBURARY 14, 2017, apprising the Court of how they propose to move forward in this matter. Signed by Judge Tanya S. Chutkan on 9/15/16. (DJS) (Entered: 09/15/2016)
09/15/2016		Set/Reset Deadlines: Status Report due by 10/28/2016. Additional Status Report due by 12/30/2016. Proposed Order and Joint Status Report due by 2/14/2017 (zsm) (Entered: 09/15/2016)
10/28/2016	<u>16</u>	STATUS REPORT by DEPARTMENT OF DEFENSE. (Berman, Julia) (Entered: 10/28/2016)
12/30/2016	<u>17</u>	STATUS REPORT by DEPARTMENT OF DEFENSE. (Berman, Julia) (Entered: 12/30/2016)
01/31/2017	<u>18</u>	Unopposed MOTION for Extension of Time to <i>Complete Processing of Responsive Documents</i> by DEPARTMENT OF DEFENSE (Attachments: # <u>1</u> Declaration of Alesia F. Williams, # <u>2</u> Text of Proposed Order)(Berman, Julia) (Entered: 01/31/2017)
02/01/2017		MINUTE ORDER: Granting <u>18</u> Consent Motion for Extension of Deadlines. Defendant shall continue to make monthly productions to Plaintiff of nonexempt responsive records. The parties shall submit a Joint Status Report on July 31, 2017, indicating whether Defendant has completed processing and production of nonexempt responsive records. The Joint Status Report shall include a proposed order. Signed by Judge Tanya S. Chutkan on 2/1/17. (DJS) (Entered: 02/01/2017)
02/02/2017		Set/Reset Deadlines: Joint Status Report and Proposed Order due by 7/31/2017. (tb) (Entered: 02/02/2017)
07/31/2017	<u>19</u>	Joint STATUS REPORT by DEPARTMENT OF DEFENSE. (Attachments: # <u>1</u> Text of Proposed Order)(Berman, Julia) (Entered: 07/31/2017)

08/01/2017		MINUTE ORDER: Having considered the parties' Joint Status Report <u>19</u> , it is hereby ordered that that Defendant shall complete its production of non-exempt responsive documents not requiring outside consultation by August 31, 2017, and its production of any remaining non-exempt responsive documents by October 2, 2017. The parties shall confer following the final production and submit a joint status report to the Court on October 31, 2017, apprising the Court of whether further litigation in this matter will be necessary. If further litigation is necessary, the parties' joint status report shall include a proposed order. Signed by Judge Tanya S. Chutkan on 8/1/17. (DJS) (Entered: 08/01/2017)
08/01/2017		Set/Reset Deadlines: Joint Status Report due by 10/31/2017. (tb) (Entered: 08/01/2017)
10/19/2017	<u>20</u>	Unopposed MOTION for Extension of Time to <i>Complete Production of Nonexempt Responsive Records, Nunc Pro Tunc</i> by DEPARTMENT OF DEFENSE (Attachments: # <u>1</u> Text of Proposed Order)(Berman, Julia) (Entered: 10/19/2017)
10/23/2017	<u>21</u>	ORDER: Granting nunc pro tunc <u>20</u> Motion for Extension of Production Deadline. Defendant's status report due 12/1/17. If production is not completed by 12/1/17, Defendant's status report shall identify the date by which the production shall be completed. Joint Status report due 30 days following the completion of the production of nonexempt responsive records. Signed by Judge Tanya S. Chutkan on 10/23/17. (DJS) (Entered: 10/23/2017)
10/23/2017		Set/Reset Deadlines: Defendant's status report due by 12/1/2017. (tb) (Entered: 10/23/2017)
12/08/2017	<u>22</u>	Unopposed MOTION for Extension of Time to File <i>Defendants Unopposed Out-of-Time Motion for Extension Nunc Pro Tunc of the Deadline for the Submission of the Defendants Status Report</i> by DEPARTMENT OF DEFENSE (Attachments: # <u>1</u> Text of Proposed Order, # <u>2</u> Defendant's Status Report, # <u>3</u> Text of Proposed Order Proposed Order Pertaining to Defendant's Status Report)(Berman, Julia) (Entered: 12/08/2017)
12/11/2017		MINUTE ORDER: Granting nunc pro tunc <u>22</u> Unopposed Motion for Extension of Time to File Joint Status Report. Defendant shall complete its production of any remaining non-exempt responsive documents by December 22, 2017. Joint status report and proposed order due January 21, 2018. Signed by Judge Tanya S. Chutkan on 12/11/17. (DJS) (Entered: 12/11/2017)
12/12/2017		Set/Reset Deadlines: Joint Status Report due by 1/21/2018. (tb) (Entered: 12/12/2017)
12/23/2017	<u>23</u>	MOTION for Extension of Time to <i>Motion for Extension of Time, Nunc Pro Tunc, to Complete the Processing of Two Documents</i> by DEPARTMENT OF DEFENSE (Attachments: # <u>1</u> Text of Proposed Order)(Berman, Julia) (Entered: 12/23/2017)
12/30/2017	<u>24</u>	NOTICE of Plaintiff's Non-Opposition by DEPARTMENT OF DEFENSE re <u>23</u> MOTION for Extension of Time to <i>Motion for Extension of Time, Nunc Pro Tunc, to Complete the Processing of Two Documents</i> (Berman, Julia) (Entered: 12/30/2017)
01/04/2018		MINUTE ORDER: Granting Nunc Pro Tunc <u>23</u> Consent Motion for Extension of Deadlines. Defendant shall complete its production of any remaining non-exempt responsive documents by January 22, 2018. The parties shall meet and confer following the final production of documents and submit a joint status report and proposed order by February 21, 2018. Signed by Judge Tanya S. Chutkan on 1/4/18. (DJS) (Entered: 01/04/2018)
01/04/2018		Set/Reset Deadlines: Joint Status Report due by 2/21/2018. (tb) (Entered: 01/04/2018)
02/21/2018	<u>25</u>	Joint STATUS REPORT and Motion for Extension of Time to <i>Apprise the Court of Whether Any Further Litigation in this Matter Will Be Necessary</i> by DEPARTMENT OF DEFENSE. (Attachments: # <u>1</u> Text of Proposed Order)(Berman, Julia) (Entered: 02/21/2018)
02/21/2018	<u>26</u>	Joint MOTION for Extension of Time to <i>Apprise the Court of Whether Any Further Litigation in this Matter Will Be Necessary and Status Report</i> by DEPARTMENT OF DEFENSE (Attachments: # <u>1</u> Text of Proposed Order)(Berman, Julia) (Entered: 02/21/2018)

02/26/2018		MINUTE ORDER: Granting <u>26</u> Motion for Extension of Time to File Status Report, EXCEPT that the parties shall file a joint report by 4/1/18 and every 30 days thereafter. To the extent the report contains a proposed briefing schedule, the report shall include a proposed order. Signed by Judge Tanya S. Chutkan on 2/26/18. (DJS) (Entered: 02/26/2018)
02/27/2018		Set/Reset Deadlines: Joint Status Report due by 4/1/2018. (tb) (Entered: 02/27/2018)
04/02/2018	<u>27</u>	Joint STATUS REPORT by DEPARTMENT OF DEFENSE. (Berman, Julia) (Entered: 04/02/2018)
05/01/2018	<u>28</u>	Joint STATUS REPORT by DEPARTMENT OF DEFENSE. (Berman, Julia) (Entered: 05/01/2018)
05/31/2018	<u>29</u>	Joint STATUS REPORT by DEPARTMENT OF DEFENSE. (Berman, Julia) (Entered: 05/31/2018)
07/02/2018	<u>30</u>	Joint STATUS REPORT by DEPARTMENT OF DEFENSE. (Berman, Julia) (Entered: 07/02/2018)
08/01/2018	<u>31</u>	Joint STATUS REPORT by DEPARTMENT OF DEFENSE. (Berman, Julia) (Entered: 08/01/2018)
08/31/2018	<u>32</u>	Joint STATUS REPORT by DEPARTMENT OF DEFENSE. (Berman, Julia) (Entered: 08/31/2018)
10/01/2018	<u>33</u>	Joint STATUS REPORT by DEPARTMENT OF DEFENSE. (Berman, Julia) (Entered: 10/01/2018)
10/31/2018	<u>34</u>	Joint STATUS REPORT by DEPARTMENT OF DEFENSE. (Berman, Julia) (Entered: 10/31/2018)
11/30/2018	<u>35</u>	Joint STATUS REPORT by DEPARTMENT OF DEFENSE. (Berman, Julia) (Entered: 11/30/2018)
12/26/2018	<u>36</u>	Consent MOTION to Stay <i>Consent Motion for a Stay in Light of Lapse of Appropriations</i> by DEPARTMENT OF DEFENSE (Attachments: # <u>1</u> Text of Proposed Order)(Heiman, Julia) (Entered: 12/26/2018)
12/27/2018		MINUTE ORDER: Granting <u>36</u> Motion to Stay. All deadlines are hereby STAYED. Defendant's counsel shall notify the Court as soon as Congress has appropriated funds for the Department of Justice, and Department of Justice attorneys are permitted to resume their usual civil litigation functions. It is further ordered, that all current deadlines for the parties shall be extended commensurate with the duration of the lapse in appropriations. Signed by Judge Tanya S. Chutkan on 12/27/18. (DJS) (Entered: 12/27/2018)
01/28/2019	<u>37</u>	NOTICE to the Court of Restoration of Appropriations by DEPARTMENT OF DEFENSE (Heiman, Julia) (Entered: 01/28/2019)
01/29/2019	<u>38</u>	Joint STATUS REPORT by DEPARTMENT OF DEFENSE. (Heiman, Julia) (Entered: 01/29/2019)